App. F. IX-4

193 8-9
(SA)

File No. 427-38
Serial Nos. 1 2 3

Previous References

SA. 129-20(1)
130-20(13)

PRESERVED

Later References.

~~SA~~ 427.38(6-11).
~~SA~~ 229-41 Sh 163

GENERAL AND REVENUE SECRETARIAT.

To. Jwe

Part B for December 1939

SUBJECT.

Re ground- ~~of~~ / casualties
Leave
& Raising limit of Casual leave

Ep No. H 3575-75 / 13 12/39

(15-)

Decide that the Compensatory leave under Art 157 H.S.R. be abolished & the Casual leave under Art 157 H.S.R. be raised from 15 days to 30 days. To all Heads of Depts by Cover for Secretary & Secretary to Govt.

WD 0575—GPB—22,500—12-9-39

15/12/39

Serial No.

Letter No 546/A dt 4-2-1939.

From the Comptroller to Government.

Suggests, in connection with a reference received from the pw.D in regard to the grant of Compensation leave to the Gazetted officers in charge of Sub Divisions, the amendment of Article 157 M.S.R on the basis of rules in force in this respect in Madras.

1) The Comptroller states that it is ascertained that in Madras the grant of Compensation leave to the Executive officers in the police, Medical & similar departments is not in vogue. He has not referred to any definite rules in vogue there in this behalf. It would be convenient if a copy of these rules is obtained for reference in this connection.

2) The Chief Engineer may also be requested to offer his remarks on the Comptroller's suggestion with reference to the practice in vogue in the pw.D in regard to the grant of Compensation leave to the Executive officers. It is likely that this question might have been dealt with in the pw. Secretariat also as the Comptroller has sought orders of Govt. on a copy of the letter addressed by the Executive Engineer to the Chief Engineer.

3) It is for orders whether a copy of the Madras rules referred to in para 1) of the previous paper, if any on this subject in the pw.D may be obtained before this question is further dealt with.

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

4 ~~The gist of the~~ The main criterion on the basis of which title to Compensation leave accrues, is that an officer should have been "called upon by Competent authority to attend office on a public authorised holiday"

5) The point for consideration is whether in the case of the Police, Medical, ~~and other~~ P.W.D. etc, the officers should as a rule be deemed to be under an obligation ~~to be on duty~~ to attend to their normal duties on Sundays & holidays. ~~Such~~ In the case of P.W.D. officers, there seems to be no such obligation at all ordinarily. If an officer's normal duty requires presence near the spot at all hours of the day & night (vide instance cited by the E.E. in letter appended to P.W.D.) and free quarters are provided, the inference is not that the officer is on active duty all the 24 hours (against 6 hours in the case of ministerial offices), but only that he ~~is~~ ought to be available for an emergency call and should not go far from the spot. For the matter of that even ministerial officers are expected to be available for work at all hours and not to take headquarters without permission. =

Compensation leave to gazetted officers in charge of Sub

2890

General and Revenue Secretariat | File No. | of 193 | [App. F. III–2

Serial No.

If at all, any special consideration may be called for, it is in regard to a Medical officer posted to Hospitals ~~in~~ where only one Medical officer is available and he has as a rule to attend Hospital on all holidays. Even in such cases, if he goes on casual leave he can combine a holiday with it. ~~and he may~~

6) The safer course would seem to be to restrict grant of Compensation leave ~~to~~ in all Depts – Executive as well as ministerial – to ~~cases~~ instances in which an officer is specifically required by competent authority to do (full) work on ~~holidays~~ an authorised holiday. The mere fact that one has to remain on the work spot all the ~~days~~ days in a year cannot be held to automatically entitle him to Compensation leave.

7) If necessary, the Comptroller may obtain definite information regarding the rules in force in Madras, Bombay & elsewhere.

TYPING SECTION 27 FEB. 1939 GEN. & REV. SECTT.

NOTE—Contn. Sheet.

9) Draft Submitted. Fin Sec 24/2 8) Yes. 25/2/39

10) Draft approved 25/2/39

Compensation leave to the Gazetted Executive Officers of the several Departments

File No. 427 S & A. 4436/3 of 1938. | General and Revenue Secretariat

Serial No.

Letter No. H 5719/S&A dt 3-3-1939.

To the Comptroller to Govt.

Requests to obtain definite information regarding the rules and practice in force in Madras, Bombay & other provinces.

Secs MR

From the Comptroller

No. 922-B II dt 26-5-1939.

Stating that the Accountants General of the British Indian Provinces addressed to by him have replies to the effect that Compensation leave is not contemplated in the Fundamental Rules.

1) For orders.

MR 17.6.39.

CPA 19/6

Finlay)

2) To chief Secretary with Cpltnts for favour of opinion re the necessity for Compensation leave to the Secretariat Officers who are always deputed

AG 5.7.39

CPA

I shall be glad to discuss the subject with the Finl Secy before recording my views

MK 6.7.39

Serial No.

DEWAN'S OFFICE
258

A

I have discussed the matter with the Finl Secy. The Existence of Compensation leave rules is both Cumbersome and difficult to apply. While Some take full advantage of it, Others find no use for it. If it is possible to increase the number of casual leave days in a year to 20 or raise the period of priv. leave to be taken at one time to 4 months, it would Compensate the doing away with these rules, which partake neither of the Priv. leave character nor casual leave character. The fact of it is, that when a general holiday is not working, a claim for Compensation leave is put in. When there is a general holiday, the Office or official working on that day Cannot be regarded as having done Something out of the ordinary. We have a number of general holidays, and I do not think We are so hard worked as to be compensated by grant of leave of a kind which neither tends to recoup our health nor to relax our minds. The question being an interesting one may be discussed at an Offrs' meeting

Dewan
thro' Finl Secy

7.7.39

I would prefer the first alternative referred to A to avoid extra cost on account of any arrangements by Govt.

7-7-39

8-7-39

Chief Secy

6-7-39

TYPING SECTION
5 JUL 1939

CHIEF SECRETARY
14 JUL 1939
GOVT. OF MYSORE.

NOTE—Contd. Sheet.

Wh 36/41 Grant of Compensation leave.

4436

File No. of 193 . General and Revenue Secretariat.

Serial No.

SECRETARIAT
No. 266
15 JULY 1939
REVENUE BRANCH
OFFICE OF THE
FIRST MEMBER OF COUNCIL
JUL 15 1939
No. 48

For perusal.

1st member & 2nd member

14.7.39

15/7/39

15.7.39

The question was discussed at the officers' meeting on the 14th inst. The proposal to do away with Compensation leave was I think generally agreed to.

If necessary, the formal proceedings of the meeting may be awaited

21/8/39

Yes.

21-8-39

Sus 21.8.39.

An extract of the proceedings of the Officers' Meeting bearing on the subject 'Compensation leave' is obtained and put up. It is seen that at the end of the discussions the Dewan observed

Flag 'A'.

Compensation Leave 2890

94

Serial No.

that the question viz of doing away with Compensation leave and of increasing the limit of Casual leave from 15 to 20 days, might be Considered.

A draft order accordingly is put up for orders. The date from which the order is to have effect has to be fixed. (It may be from the date of the G.O.)

18.9.39

~~It may be enhanced~~

If the ~~leave~~ change is to have effect immediately, it may be ruled that, for the calendar year 1939, the total Casual leave to be permitted to be availed of be fixed as under:–

(1) In cases where more than 5 days' compensation leave has already been availed of during the calendar year, the total casual leave for the year will be limited to 15 days exclusive of the compensation leave already utilised.

(2) In cases where the compensation leave already availed of is 5 days or less, the total leave – compensation leave already availed of + casual leave – may be limited to 20 days.

18/9

NOTE—Contn. Sheet.

If it is proposed to give effect to the rule from 1st January, it would be necessary to issue a Circular. Now and [illegible]

Sa. 427.285/

GEN. & REV. SECRETARIAT
16 FEB. 1939
2890
FINANCIAL BRANCH

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 546/B... Bangalore, Dated 11th February 1939.

FINANCIAL SECRETARY
15 FEB
GOVT. OF MYSORE

From

M. VIRARAJA URS, Esqr., B.A., B.L.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

To

A.N.Raghavachar Esq., M.A.,
Secretary to Govt. of Mysore,
Financial Department,
Bangalore.

Grant of Compensation leave.

Sir

I have the honour to forward herewith a copy of letter No. 300 dated 19-9-38 from the Executive Engineer, Water Supply Division on the subject noted above and to state that according to Art.157, M.S.R. Executive Officers in all Departments of Govt, except the Railway Department, would appear to be eligible for the grant of such leave. It is however ascertained that in Madras the grant of compensation leave to Executive Officers in the Police, Medical and similar departments is not in vogue and that it is granted only to ministerial Officers who are required to attend office between fixed hours on working days. It seems to me, therefore, that in the case of the executive officers of the several departments of Govt. whose duties are such that they may be called upon to attend to their normal work at any part of the day, the admissibility of compensation leave requires reconsideration since they are not in the same ~~posting~~ footing as ministerial officers who are entitled to avail themselves of Sundays and General Holidays as a matter of course. If Govt. agree in this view, I request that a suitable amendment may be issued to Art.157 M.S.R.

I have the honour to be,
Sir,
Your most obedient servant,

M. Viraraja Urs
Comptroller.

m.j.j.

Letter No.300 dated 19-9-38 from the Executive Engineer, Water Supply Division. Bangalore, to the Chief Engineer of Mysore, Bangalore.

Subject - Grant of Compensation leave to Gazetted Officers in charge of Sub Divisions

---

I have the honor to state that the conditions governing the grant of compensation leave to Gazetted Officers in independent charge of an office are laid down in Article 157 of the M.S.R. and the Note 1 to 6 thereunder. Whether the instructions contained in the article cited above can be made applicable in the case of Executive Officers who are required to be present on duty on all the days in the year like the Medical Officers, Police Officers etc are points on which clear instructions are solicited.

The ruling as per the note to the said article seems to be clear that the officer availing the compensation leave should prove to the sanctioning authority that he was actually prevented from availing the Sunday or the General Holidays in lieu of which compensation leave is claimed and that he should not avail of it in anticipation of sanction.

In the case of an officer who is provided with free quarters and posted to special duty as in a pumping station, he is expected to be on duty all the 24 hours of the day and on all the days of the year. In such cases, it is not clear whether an officer wishing to avail the compensation leave should apply and wait till the compensation leave accrues to him, especially as the nature of the work demands continuous presence of the officer at the station and he knows no holidays or Sundays except when he deliberately avails of them for domestic or other reasons. I feel that compensation leave naturally accrues to him from time to time and he has merely to apply for sanction to avail of the leave that has accrued to him.

Instructions are therefore solicited in the matter of granting compensation leave as also availing Sundays and General Holidays with permission to leave headquarters in respect of Executive Officers, holding independent charge of an office.

" Copy " N. Narasimha Murthy
Supdt. DII Comptroller's Office

Appendix F G—1

SUBJECT .....

.....

.....

Section

File No. 427.38

Serial No. 2

Diary No. of letter replied to .....

No. H.5718

To

The Accomptroller to Govt

General and Revenue Secretariat

( )

the *193*

Sir,

With reference to your letter No. 324/32 dated 11-2-1939 ~~suggesting certain~~ ~~amendments to Article 187(1) C.S.R.~~ as regarding the admissibility of ~~the grant of~~ compensation leave to the executive officers of the Several Departments of Government I am directed to request you to kindly obtain definite and practice information regarding the rules in force in Madras, Bombay ~~Provinces~~ and other ~~Places in B~~ Provinces

I have etc.,

Whose duties are such that they may be called upon to attend to their normal work at any part of the day

Date of issue 3.3.39

Signed by Mr. R.

List of enclosures.....

Copied by .....

25/2/39

Examined by.....

For Fnl. Secretary to Govt

WD 0278—GPB—30,000—4-3-38

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, ~~27th February~~ 3rd March 1939.

No. M.5719 G.A.

From

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Comptroller to Government,
Bangalore.

Sir,

With reference to your letter No.546/B_2. dated 11th February 1939, regarding the admissibility of compensation leave to the executive officers of the several Departments of Government, whose duties are such that they may be called upon to attend to their normal work at any part of the day, I am directed to request you to kindly obtain definite information regarding the rules and practice in force in Madras, Bombay and other Provinces.

I have the honour to be,
Sir,
Your most obedient servant,

for Financial Secretary to Government.

S.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GEN. & REV. SECRETARIAT 4436 29 MAY 1939 FINANCIAL BRANCH.

Comptroller's Office, Bangalore,

No. 922 B.II Encls.2. **Dated the** 26th May **1939.**

A. N. Raghavachar Esq., M.A.,
Financial Secretary to the Government of Mysore,
Bangalore

Sir, Grant of compensation leave to Executive Officers

Adverting to your letter No.Fl.5719 S.A.427-38-2 dated the 3rd March 1939 on the subject noted above, I have the honor to state that the Accountants-General of the several British Indian Provinces noted in the enclosed statement were addressed in this office letter No.718 B.2 dated 21-3-39, a copy of which is enclosed. Copies of replies received are enclosed. All of them have replied to the effect that as the grant of Compensation leave is not contemplated in the Fundamental Rules and its admissibility or otherwise does not come under audit scrutiny, no information is available in their offices on the subject. The Accountant-General Punjab has suggested that the Chief Secretary to the Government of that

Province

Province may be addressed in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

T. Vijaya Rs
Comptroller

CV

Replies received from the Accountants-General of British Indian Provinces regarding the grant of Compensation Leave to Executive Officers

Sl.No.	Name of the Officer	No. & date of letter	Substance of the reply received	Remarks
1.	Accountant-General, Madras	G.AD/Gl.99 dated 5-5-39	No information available.	
2.	do Bengal	TM 16 dt 12-4-39	No such leave as compensation leave is recognised under the Fundamental Rules and hence no information on the point is available in the Audit Office.	
3.	do United Provinces	GAI 99 dt 13-4-39	The grant of such leave is not contemplated in the Fundamental Rules and hence the practice obtaining in this Province for the grant of such leave is not known to this office.	
4.	do Punjab	TM 21/30 dt 11-4-39	The grant of compensation leave in lieu of Sundays and other Gazetted holidays does not come to the notice of this office as such leave is treated as duty. This offfice is therefore not aware of any orders on the subject. If desired, the matter may be referred to the Chief Secretary to Govt., Punjab.	
5.	do Central Provinces & Berar	T-28 dt 5-4-39	This office is not aware of any rules or orders issued by the Govt of the Central Provinces and Berar for the grant of executive officers under them in circumstances similar to those mentioned in your letter.	
6.	do Central Revenues	C15-1-8 dt 6-4-39	This office has no information in the matter. Compensation leave not being regular leave admissible under the rules, its admissibility or otherwise does not come under audit scrutiny.	
7.	do Bombay	TM/2641 dt 1-4-39	As compensation leave is not a recognised form of leave coming within the scope of audit, this office is not in a position to give the required information.	

Deputy Comptroller

No.718/B.2 Bangalore dated 21st March 39

From

M. Viraraja Urs Esq., B.A., B.L.,
Comptroller to the Government of Mysore,
Bangalore.

To

The Accountant-General
Madras, Bombay, Bengal, Punjab
U.P., C.P., Central Revenues.

Sir,

I have the honor to state that the executive officers serving in Departments such as the Police, Medical, Military Public Works etc., are by the nature of their duties, required as a general rule, to attend to Government work, at any hour of the day or night, (including Sundays and other General Holidays), and their hours of duty cannot be specifically fixed. The question has arisen whether such executive employees can claim to be given compensation leave in the same way as Ministerial employees who have specified hours of work and who are called upon to work on holidays.

I request you to kindly intimate what the practice is in your Province, for the grant of any compensation leave to such executive officers, and to forward an extract of the rules relating thereto. An early reply is requested.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- V.T.Srinivasan

For Comptroller

CV

"Copy"

Ms Subbalakshmi 27/5/39
Supdt B II, Comptroller's office

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

4436 / 71 ch. salary 617

FINANCIAL BRANCH. SECRETARIAT. 94 6 JUL 1939

Comptroller's Office, Bangalore,

No. 1028/B.2. Dated the 5th July 1939.

FINANCIAL SECRETARY 6 JUL GOVT. OF

A.N.Raghavachar Esq., M.A.,
Financial Secretary to the
Government of Mysore,
Bangalore.

Sub:- Grant of compensation leave to Executive Officers.

Sir,

In continuation of this office letter No.922/B.2 dated the 23rd May 1939 on the subject noted above, I have the honour to forward herewith, for your information, a copy of letter No.12890 dated the 29th June 1939 since received from the Chief Engineer of Mysore, and to request that early orders of Government may kindly be communicated in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Comptroller I/C.

m/j.

Copy of letter No.12890 dated 29th June 1939 from the Chief Engineer of Mysore, Bangalore to the Comptroller to the Govt. of Mysore, Bangalore.

Sub:- Grant of compensation leave to Executive Officers.

With reference to your letter No.598/B.2 dated the 11th February 1939, I have the honour to request you to be so good as to communicate early the orders of Government on the above subject.

C O P Y.

E.S. Padmanabhaiah
5/7/39
Supdt. P.S.II, Comptroller's Office
5/7/39.

m/j

Draft Note.

28.

The existing rules in regard to the grant of compensation leave are embodied in Article 157 of the M.S.R. and with reference to these the Comptroller has brought to notice that in Madras this kind of leave is not granted to Executive Officers in the Police, Medical and similar Departments but only to ministerial officers there, and has suggested that the practice here also may be modified so as to bring it in line with Madras.

The question of amending the rules now in force in this behalf was examined by the Financial Secretary and the Chief Secretary and the results of their discussion are indicated in minutes extracted below: -

I have discussed the matter with the Financial Secretary. The existence of compensation leave Rules is both cumbersome and difficult to apply - While some take full advantage of it, others find no use for it, If it is possible to increase the number of casual leave days in a year to 20 or raise the period of privilege leave to be taken at one time to 4 months, it would compensate the doing away with these rules, which partake neither of the privilege leave character nor casual leave variety. The fun of it is, that when a general holiday is not availed of, a claim for compensation leave is put in. ~~When~~ When there is a general holiday, the

the officer or official working on that day cannot be regarded as having done something quite out of the ordinary. We have a number of general holidays here and I do not think we are so hard worked as to be amply compensated by grant of leave of a kind which neither tends to recoup our health, nor to relax our minds. The question being an interesting one may be discussed at an officers' meeting.

(Sd) B.T.K. 7.7.39

I would prefer the first alternative referred to as "A" to avoid extra cost on account of acting arrangements to Government.

(Sd) A.N.R 7.7.39

7.8.39.

94/37

Draft Note:

The existing rules in regard to the grant of compensation leave are embodied in Art.157 of the M.S.R. and with reference to these the Comptroller has brought to notice that in Madras this kind of leave is not granted to Executive Officers in the Police, Medical and similar Departments but only to ministerial officers there, and has suggested that the practice here also may be modified so as to bring it in line with Madras.

The question of amending the rules now in force in this behalf was examined by the Financial - Secretary and the Chief Secretary and the results of their discussion are indicated in minutes extracted below:-

(Here type the minutes of the Ch. Secy. & Fl. Secy)

The ~~above~~ subject re: proposal to abolish Compensation leave and increase the limit of casual leave from 15 days to 20 days, is proposed for discussion at the Offrs meeting convened for 14.8.39.

~~A bve~~ A note on the subject has to be supplied for reference of Dewan & Members.

The above draft note is sent up for consideration

Fin Secy) 4/8 4.8.39

Typing Section to prepare 7 copies of the draft note

Typed 5/8

94/7

To Revenue Branch with 7 copies of notes

M.
4.8.39

Copies of notes taken & file returned

dlvd
7-8-39 JC Brett)

BG

No. 28. Grant of compensation leave.

The Financial Secretary said that the Comptroller had raised the question some time back about compensation leave to executive officers. He made a reference to the Madras Government to enquire whether compensation leave was being given to executive officers. He had been informed that the system of compensation leave was not in force in the Central Services, but that the Head of the Department had discretion to exceed the 15 day limit, so far as casual leave was concerned. No definite period had been fixed however. Compensation leave was being allowed to the ministerial staff for their working on holidays. This had the effect of increasing the casual leave.

The Dewan enquired why this should not be done away with.

The Chief Secretary suggested that if the compensation leave was done away with, the privilege leave to be taken at one time might be

allowed to accumulate to 4 months.

The Senior Surgeon represented that the Medical Department was the one Department in which the staff worked without any holiday whatsoever. If the compensation leave was abolished, the staff would have to go without any leave. Secondly, at present, the rules required that the certificate of some higher officer was necessary for any one to avail himself of compensation leave. This was rather difficult. If a surgeon at Chitaldrug wanted to avail himself of a day's compensation leave, the difficulty would be who should certify his leave application. The higher authorities had to depend upon his own good conscience and statement. He urged that this kind of leave was necessary for the Medical Department and the present rigour attached to it should be done away with.

The Dewan observed that compensation leave might be done away with.

The Rear Commissioner suggested that in that case the casual leave might be increased to 20 days in a year.

The Dewan observed that that point might be considered.

SUBJECT .....

.....

.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Section Sec A.

File No. 47-38

Serial No. 5.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 13/12 193 .

Signed by ..... Mr. S. N.

Read Order. No. 3515-95/Gr 13/12/39

Government direct that Compensatin leave now granted under Art 157 M&R. be done away with, and that the limit of Casual leave that may be Order ~~thereon~~ granted under Article 151 M&R ~~may~~ be raised from 15 to 20 days in a Calendar Year ~~with~~ This order will have effect from 1st January 1940. Necessary Correction Slips to M.&R. will issue separately.

13.12.39

Financial Secretary

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the dispcsal of the press ?

(vi) published in the Gazette, Kannada Part ?

Send by Comptr's Dpt

To Comptroller (This disposes of his letter no 546/B2-9 11-2-39)

To all other Heads of Departments, Presidents & Municipalities and Local Bodies

P.T.O.

To Compiler, Mysore Gazette
for publication in Part I-4
the Gazette
Copies to Secretaries to Govt.

6.87.

11.12.87

List of Enclos

Copied by

Examined by

WD 03602—GPB—22,500—12-7-85